

## RESOLUTION NO. 10-597

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, ESTABLISHING INTENT TO ADOPT UPDATES TO THE FEDERAL WAY SHORELINE MASTER PROGRAM FOLLOWING REQUIRED DEPARTMENT OF ECOLOGY REVIEW AND APPROVAL.**

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WHEREAS, the City adopted its Shoreline Master Program (SMP) in 1994 and amended it in 1998; and

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as "SMA") recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Federal Way ("City") is required to update its Shoreline Master Program ("SMP") pursuant to the SMA and WAC 173-26; and

WHEREAS, the updated SMP includes a scientific inventory and characterization report, goals and policies, shoreline environmental designations, regulations and administrative procedures, a restoration plan, and a cumulative impacts analysis; and

WHEREAS, the updated SMP is in the best interest and general welfare of the City of Federal Way because it provides for the protection of sensitive shoreline areas while allowing appropriate uses and activities in shoreline areas and includes a plan to restore degraded areas of the shoreline; and

WHEREAS, the updated SMP will apply to all jurisdictional shorelines within City limits and will apply to all jurisdictional shorelines within the city's Potential Annexation Area (PAA), upon the effective date of annexation of the PAA or any portion of the PAA; and

WHEREAS, pursuant to the *State Environmental Policy Act* (SEPA), on March 31, 2007, a Determination of Nonsignificance was issued by the city's SEPA Official and the appeal period expired on April 28, 2007; and

WHEREAS, the city has incorporated public input into the update process by preparing a Public Participation Plan, holding a public open house, forming a Citizens Advisory Committee, holding public Planning Commission meetings, holding a public hearing before the Planning Commission, developing an SMP update web page, providing notice of meetings by mail and other means, and maintaining an SMP mail list; and

WHEREAS, the city incorporated technical feedback on the SMP update by forming a Technical Advisory Committee to review draft products and provide comments and feedback; and

WHEREAS, the City Planning Commission considered the updated SMP at their meetings of February 14, 2007, March 28, 2007, and held a public hearing on April 4, 2007, and forwarded a recommendation to approve, with minor modifications, the updated SMP; and

WHEREAS, following passage of Resolution 07-500 by the City Council, the updated SMP was transmitted to the Department of Ecology for formal review; and

WHEREAS, following Department of Ecology review, the City of Federal Way received official review comments in January 2009; and

WHEREAS, city staff, the city's SMP consultant, and Department of Ecology staff worked collaboratively to prepare draft revisions to the SMP that responded to the official Department of Ecology review; and

WHEREAS, former members of the SMP Citizens Advisory Committee (CAC), Technical Advisory Committee (TAC), Shoreline Property Owners, Public Agencies, and other parties of interest were notified of the availability of the revised SMP documents; and

WHEREAS, on August 4, 2010, a public information meeting was conducted to discuss the revisions to the SMP; and

WHEREAS, on August 25, 2010, the Planning Commission conducted a public hearing on the proposed revisions to the SMP and forwarded a recommendation to approve the proposed revisions; and

WHEREAS, on September 20, 2010 and October 4, 2010, the City Council Land Use/Transportation Committee considered the proposed revisions to the SMP and recommended approval of the proposed

revisions as recommended by the Planning Commission with further modifications to SMP Section 5, Shoreline Regulations, as follows: (1) retain the existing stringline setback requirement for lake shoreline properties; and (2) remove the requirement for a minimum marine bluff setback; and

WHEREAS, following passage of this resolution the revised SMP Update will be transmitted to the Department of Ecology for formal review and approval; and

WHEREAS, following Department of Ecology review and approval, the City Council shall pass an ordinance adopting the approved SMP;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, RESOLVES AS FOLLOWS:

Section 1. Public Interest. The best interests and general welfare of the City of Federal Way are served by enacting the updated SMP because the SMP provides for the protection of sensitive shoreline areas while allowing appropriate uses and activities in shoreline areas and includes a plan to restore degraded areas of the shoreline. Additionally, the updated SMP addresses Potential Annexation Areas so that residents in these areas have predictability with regard to future SMP requirements and policies.

Section 2. Department of Ecology Review/Approval. Following passage of this resolution, the updated SMP will be transmitted to the Washington State Department of Ecology (WDOE) for formal review and approval. Following WDOE review and approval, the City Council shall pass an ordinance adopting the approved SMP.

Section 3. Severability. If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution.

Section 4. Corrections. The City Clerk and the codifiers of this resolution are authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener/clerical errors, references, resolution numbering, section/subsection numbers, and any references thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

Section 6. Effective Date. This resolution shall be effective immediately upon passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON this 19<sup>TH</sup> day of October, 2010.

CITY OF FEDERAL WAY

  
MAYOR, LINDA KOCHMAR

ATTEST:

  
CITY CLERK, CAROL MCNEILLY, CMC

APPROVED AS TO FORM:

  
CITY ATTORNEY, PATRICIA A. RICHARDSON

FILED WITH THE CITY CLERK: 10-12-2010  
PASSED BY THE CITY COUNCIL: 10-19-2010  
RESOLUTION NO.: 10-597